

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARC REICHMANN,

Plaintiff,

- against -

**PETITION FOR
REMOVAL**

PRO PERFORMANCE SPORTS, LLC, MODELL'S N.Y. II, INC.,
MODELLS II, INC., MODELLS SPORTING GOODS, INC. and
MODELL'S SPORTING GOODS #47,

Defendants.
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PETITIONER, PRO PERFORMANCE SPORTS, LLC, constituting the defendant in
the above-entitled action, by their attorneys, Catalano Gallardo & Petropoulos, LLP, state:

1. Petitioner, PRO PERFORMANCE SPORTS, LLC is a limited liability company
organized and existing under and by virtue of the laws of the State of California, having its
principal place of business in the State of California.

2. Upon information and belief Modell's Sporting Goods, Inc. and Modell's N.Y.
II, Inc. are corporate entities existing under the laws of the State of Delaware and transacting
business in several states in the United States.

3. Plaintiff is a resident of the State of New York.

4. This action has been commenced by the above-named plaintiff against petitioner in the Supreme Court of the State of New York, New York County. This is a civil action, wherein the plaintiff seeks recovery of damages sustained *inter alia*, as a result of the alleged negligence of the defendants.

5. Petitioner states that upon information and belief, that the respondent claimant will claim that the amount in dispute in this action exceeds the sum of \$75,000 exclusive of interests and costs; that this is an action of a civil nature of which the United States District Court has original jurisdiction by reason of the diversity of citizenship of the parties pursuant to 28 U.S.C. 1332. It appears from the plaintiff's Summons and Complaint, a copy of which is annexed hereto as Exhibit "A", that the plaintiff's claims are subject to removal by reason of the diversity of citizenship of the parties. At the time of the service of the Summons and Complaint, petitioner, PRO PERFORMANCE SPORTS, LLC, was organized under the laws of California and MODELL'S N.Y. II, INC.; MODELL'S II, INC.; MODELL'S SPORTING GOODS, INC. were organized under the laws of the State of Delaware. The plaintiff has represented that he is a resident of the State of New York within the jurisdiction of the United District Court for the Southern District of New York.

6. Petitioners further allege that the plaintiff's Summons and Complaint was received by the defendants no more than 30 days prior to the date of this petition and that the time has not elapsed within which the petitioner is permitted to file this petition for removal of the action to this Court.

WHEREFORE, petitioner prays that this case be removed to the United States District Court of the Southern District of New York.

Dated: Jericho, New York
October 15, 2007

Respectfully submitted,

CATALANO GALLARDO
& PETROPOULOS, LLP

By: 

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To: The Law Firm of Allen L. Rothenberg
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(Index No. 112256/07)